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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Jessica Brown,

Plaintiff,

v.

Joseph Gerston,

Defendants.

Case No. 2:24-cv-00472-MMD-BNW

ORDER

Before the Court is Plaintiff's application to proceed *in forma pauperis*. ECF Nos. 7. In addition, Plaintiff filed a Motion for Appointment of Counsel. ECF No. 8.

The Court already granted Plaintiff her request to proceed *in forma pauperis*. ECF No. 5. As a result, the instant application (at ECF No. 7) is denied as moot. Nevertheless, the previous Order omitted some important information regarding payment that this Order includes below.

Additionally, in its previous Order, this Court dismissed Plaintiff's complaint and provided instructions in the event she wanted to file an amended complaint. ECF No.5. The deadline for the amended complaint is May 3, 2024. *Id.* As things currently stand, there is no operative complaint. Before this Court can consider whether to appoint counsel it must screen Plaintiff's amended complaint and determine that she has sufficiently asserted claims. As a result, the Motion for Appointment of Counsel (at ECF No. 8) is denied without prejudice.

I. CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff's motion to proceed *in forma pauperis* (ECF No. 7) is **DENIED as moot**. This Court previously granted her request to proceed *in forma pauperis* (at ECF No. 5) but neglected to state that the full filing fee shall still be due, pursuant to 28 U.S.C. § 1915, as amended by the Prisoner Litigation Reform Act. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of fees or costs or the

1 giving of security therefor. This order granting in forma pauperis status shall not extend to the
2 issuance and/or service of subpoenas at government expense.

3 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915, as amended by the
4 Prisoner Litigation Reform Act, the Florence McClure Women's Correctional Center shall pay to
5 the Clerk of the United States District Court, District of Nevada, 20% of the preceding month's
6 deposits to the account of Jessica Brown, # 1175563 (in months that the account exceeds \$10.00)
7 until the full \$350 filing fee has been paid for this action. The Clerk shall send a copy of this
8 order to the attention of William Reubart, Warden for Florence McClure Women's Correctional
9 Center, 4370 Smiley Road, Las Vegas, NV 89115.

10 **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise
11 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the
12 Prisoner Litigation Reform Act.


13 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Appointment of Counsel (at
14 ECF No. 8) is **DENIED** without prejudice.

15 **IT IS FURTHER ORDERED** that the clerk is kindly instructed to mail Plaintiff a copy
16 of ECF No. 5.

17 **IT IS FURTHER ORDERED** that Plaintiff will have until May 3, 2024, to file an
18 amended complaint. Failure to file an amended complaint by that date may result in dismissal of
19 the case.

20 **IT IS FURTHER ORDERED** that the Clerk of Court shall mail Plaintiff a copy of the
21 prisoner, pro se form complaint.
22
23

24 DATED: April 17, 2024

25 
26 BREND A WEKSLER
27 UNITED STATES MAGISTRATE JUDGE
28